

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 44-59 and 61-66 are pending in the application, with claims 44, 51, 58, and 59 being the independent claims. Claims 1-43 were previously cancelled without prejudice to or disclaimer of the subject matter therein. Claims 44-59, 61-63, and 66 are sought to be amended. Claim 60 is sought to be cancelled. Applicant reserves the right to prosecute similar or broader claims, with respect to the cancelled and amended claims, in the future. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Applicant respectfully requests entry of this amendment after final rejection because it puts the claims in better condition for allowance and/or appeal.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Statement of Substance of Examiner Interview

Applicant respectfully thanks the Examiner for extending the courtesy of a telephone interview on April 16, 2010, with Applicant's representatives Jason Eisenberg and William Ladd. In the interview, Applicant's representatives discussed proposed claim amendments to further distinguish the claims over the applied references. No final agreement was reached.

Objection to the Specification

At page 2 of the Final Office Action the Examiner objected to the Specification as allegedly lacking antecedent basis for "Original e-mail message and special e-mail address."

Without acquiescing to the propriety of the rejection, Applicant has amended claims 44, 48, 51, 55, 58, and 59 for other reasons and to expedite prosecution. The pending claims, as currently amended, do not recite "original e-mail message" or "special e-mail message." Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the Objection to the Specification.

Rejections under 35 U.S.C. § 112

At page 2 of the Final Office Action the Examiner rejected claims 44-66 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Without acquiescing to the propriety of the rejection, Applicant has cancelled claim 60 to expedite prosecution. Applicant respectfully traverses this rejection for the pending claims.

Without acquiescing to the propriety of the rejection, claims 44, 51, 58, and 59 have been amended to expedite prosecution. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the 35 U.S.C. §112, first paragraph, rejection of claims 44, 51, 58, and 59 and pass these claims to allowance. Additionally, at least based on their respective dependencies to claims 44 and 51, claims 45-50, 52-57, and 61-66 should be found allowable, as well as for their additional distinguishing features.

Rejections under 35 U.S.C. § 102

At page 2 of the Final Office Action the Examiner rejected claims 44, 51 and 58-66 under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Number 6,633,630 to Owens *et al.* (“Owens”). Without acquiescing to the propriety of the rejection, Applicant has cancelled claim 60 to expedite prosecution. Applicant respectfully traverses this rejection for the pending claims.

Without acquiescing to the propriety of the rejection, claims 44, 51, 58, and 59 have been clarified to recite additional features that distinguish over the applied reference. For example, claims 44, 51, 58, and 59 recite, *inter alia*, “alert[ing] . . . the subscriber . . .by a message . . . upon finding a characteristic match . . . ***the message stat[ing] the characteristic match found***” (emphasis added).

In Owens, “the receiver may be notified of an incoming message . . . [f]or example, a page may be sent to an alphanumeric pager ***alerting the receiver that an e-mail message has arrived.***” (Owens, col. 10, lines 36-47.)

Owens does not teach “alert[ing] . . . the subscriber . . .by a message . . . upon finding a characteristic match . . . ***the message stat[ing] the characteristic match***”

found,” as recited by claims 44, 51, 58, 59 (emphasis added). Rather, in Owens, the “page . . . notify[ing] . . . the receiver” “*alert[s] the receiver that an e-mail message has arrived*” (emphasis added). (Owens, col. 10, lines 36-47.)

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the 35 U.S.C. § 102(e) rejection of claims 44, 51, 58, and 59 and pass these claims to allowance. Additionally, at least based on their respective dependencies to claims 44 and 51, claims 61-66 should be found allowable, as well as for their additional distinguishing features.

Rejections under 35 U.S.C. § 103

At page 4 of the Final Office Action the Examiner rejected claims 45-50 and 52-59 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Owens in view of U.S. Patent Number 6,108,688 to Nielsen (“Nielsen”). Applicant respectfully traverses this rejection.

At page 4 of the Final Office Action the Examiner states, to which Applicant does not acquiesce, that Nielson teaches “creating a record for a message . . . using message id to allow for individual access and tracking of the messages in a database.” However, the Examiner does not use Nielson to teach or suggest at least the above noted distinguishing features of claims 44, 51, 58, and 59. Thus, Nielson cannot be used to cure the deficiencies of Owens. Therefore, the applied references cannot be used to establish a prima facie case of obviousness for claims 44, 51, 58, and 59.

Accordingly, at least based on their respective dependencies to claims 44 and 51, claims 45-50 and 52-57 should be found allowable over the applied references, as well as for their additional distinguishing features.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the

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outstanding Final Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Jason D. Eisenberg
Attorney for Applicant
Registration No. 43,447

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1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
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